

**Amendments to the Drawings**

In figure 1, please add the dashed box, reference numeral "100", and associated lead line interposed therebetween as shown in red ink in ATTACHMENT I.

In figure 2, please delete reference numeral "20" associated with the sealing component and replace it with reference numeral "9" as shown in red ink in ATTACHMENT I.

In figure 3a, please delete reference numeral "3" associated with the femur and replace it with reference numeral "30" as shown in red ink in ATTACHMENT II.

## **REMARKS**

Claims 1-8 are pending in this patent application. By this amendment, claims 1-5 and 7 have been amended. Reconsideration of this patent application, as amended, is respectfully requested.

### **Allowable Subject Matter**

Claims 5 and 7 were indicated as being allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Such rewriting has been done. Thus, each of claims 5 and 7 are believed to be in proper form for allowance.

### **Objection to Drawings**

The drawings were objected to since the mixing tool was not shown. As per Examiner's request, figure 1 was amended to include such feature as shown in ATTACHMENT I. A Replacement Sheet showing the corrected figure 1 is also attached hereto.

The drawings were further objected to because it was stated in the Office Action that (i) "9" and "20" have both been used to designate a sealing component, (ii) "23" and "63" have both been used to designate a sensor, and (iii) "32" and "54" have both been used to designate the bone cavity.

With regard to (i), figure 2 has been amended to change the reference numeral "20" to the reference numeral "9". Note that no correction of figure 4 is believed to be necessary since the reference numeral "9" is used to designate a

sealing component in the first embodiment shown in figures 1, 2, 3a, and 3b, while the reference numeral “20” is used to designate a sealing component in the second embodiment shown in figure 4.

With regard to (ii), no correction is believed to be necessary since the reference numeral “23” is used to designate a sensor in the first embodiment shown in figure 2, while the reference numeral “63” is used to designate a sensor in the second embodiment shown in figure 4.

With regard to (iii), no correction is believed to be necessary since the reference numeral “32” is used to designate a bone cavity in the first embodiment shown in figures 3a and 3b, while the reference numeral “54” is used to designate a sensor in the second embodiment shown in figure 4.

Figure 3a was amended to correct a minor typographical error. In particular, figure 3a was amended to delete reference numeral “3” associated with the femur and replace it with reference numeral “30” as shown in red ink in ATTACHMENT II. A Replacement Sheet showing the corrected figure 3a is also attached hereto.

#### **Objection to Claim 4**

As per Examiner’s request, claim 4 has been amended to remove “which” (second instance) in the phrase “in which the plug which can be received.”

### **35 U.S.C. § 103 Rejection**

Claims 1, 2, 3, 4, 6, and 8 were rejected under 35 U.S.C. § 103 as being unpatentable over Brown et al. (U.S. Patent No. 5,842,785) in view of Cohen et al. (U.S. Patent No. 5,980,527), and further in view of Draenert et al. (U.S. Patent No. 4,671,263). Claims 1-4 have been amended to more clearly define the invention. Reconsideration of claims 1, 2, 3, 4, 6, and 8, as amended, is respectfully requested.

### **Amended Claim 1 is Not Unpatentable Over a Combination of Brown, Cohen, and Draenert**

Claim 1 was amended to incorporate some of the language of allowable claim 5. Thus, a discussion of the patentability of amended claim 1 over the cited art is appropriate.

#### *Amended Claim 1*

Amended claim 1 recites the following limitations:

- e. a sealing component which fits over the bone cavity to seal the cavity around the chamber outlet and to minimise leakage of bone cement that has been injected into the cavity,
- f. a sensor for measuring the pressure to which the bone cement is subjected during displacement from the chamber,  
*in which the sensor is located in the sealing component.*  
(Emphasis added.)

Brown and Cohen do not disclose a sensor for measuring pressure. While Draenert appears to disclosure the use of a sensor for measuring pressure,

Draenert does not disclose locating the sensor in the sealing component. (See Draenert at column 5, lines 41-50.) Thus, even if it were obvious to combine Brown, Cohen, and Draenert as proposed in the Office Action (see Office Action at page 5, last line through page 6, line 4), the resulting combination does not arrive at a system in which the sensor is located in the sealing component.

Accordingly, the proposed combination of Brown, Cohen, and Draenert would not arrive at the invention of amended claim 1. Thus, the proposed combination does not establish a prima facie case of obviousness under 35 U.S.C. § 103 with regard to the invention defined in amended claim 1. As a result, amended claim 1 is allowable over Brown, Cohen, and Draenert.

#### *Claims 2, 3, 4, 6, and 8*

Each of claims 2, 3, 4, 6, and 8 depends directly or indirectly from amended claim 1. As a result, each of claims 2, 3, 4, 6, and 8 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 1.

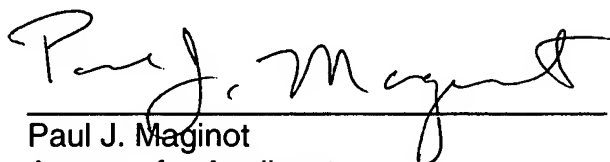
#### **Conclusion**

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited. It is respectfully submitted that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely

response, and any deficiency in fees be charged, or any overpayment in fees be credited, to our Deposit Account No. 13-0014.

Respectfully submitted,

MAGINOT, MOORE & BECK LLP

A handwritten signature in cursive script, reading "Paul J. Maginot", written over a horizontal line.

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# ATTACHMENT I

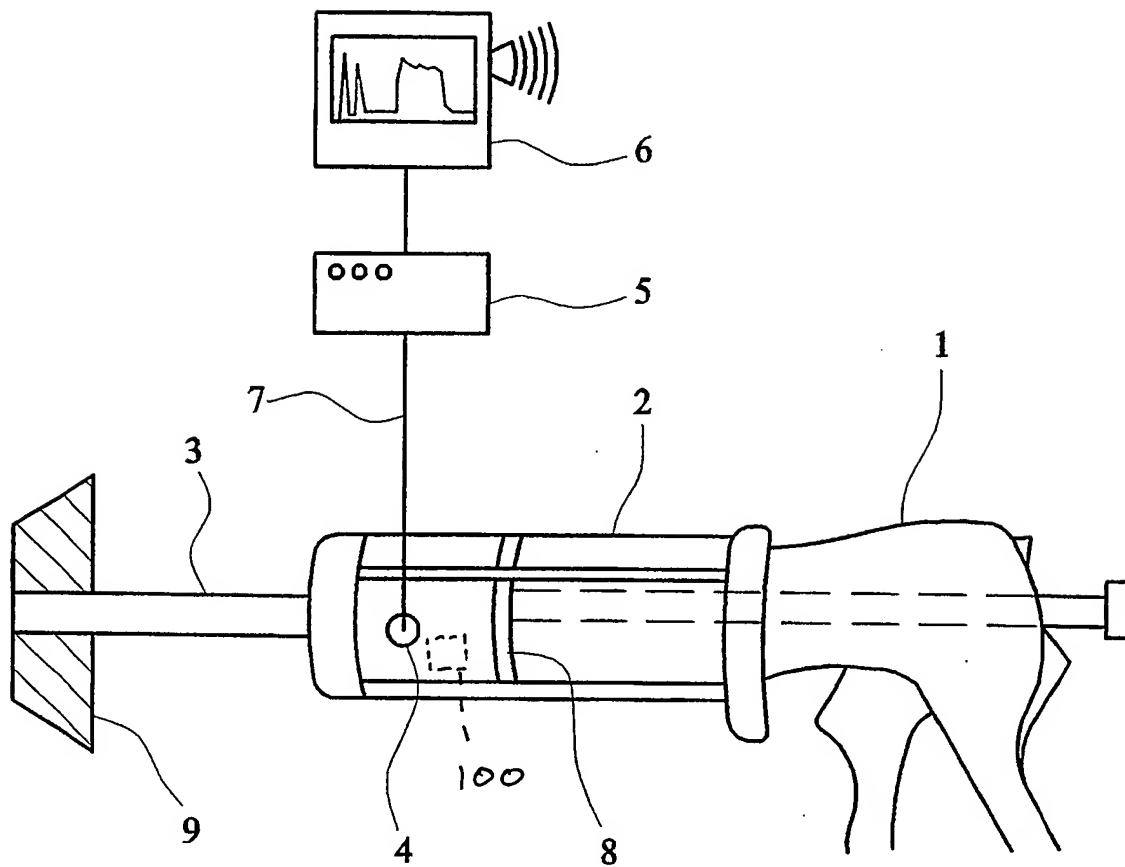


FIG. 1

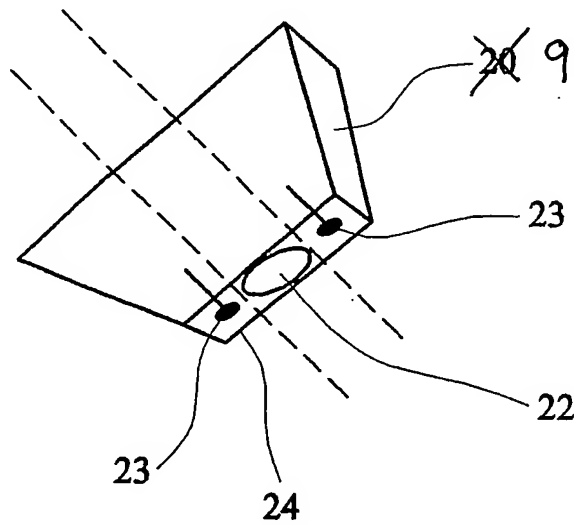


FIG. 2



# ATTACHMENT II

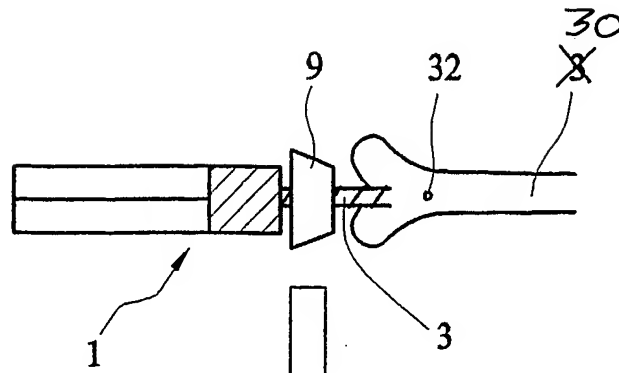


FIG. 3a

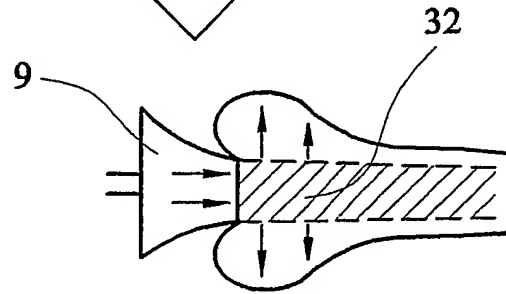


FIG. 3b

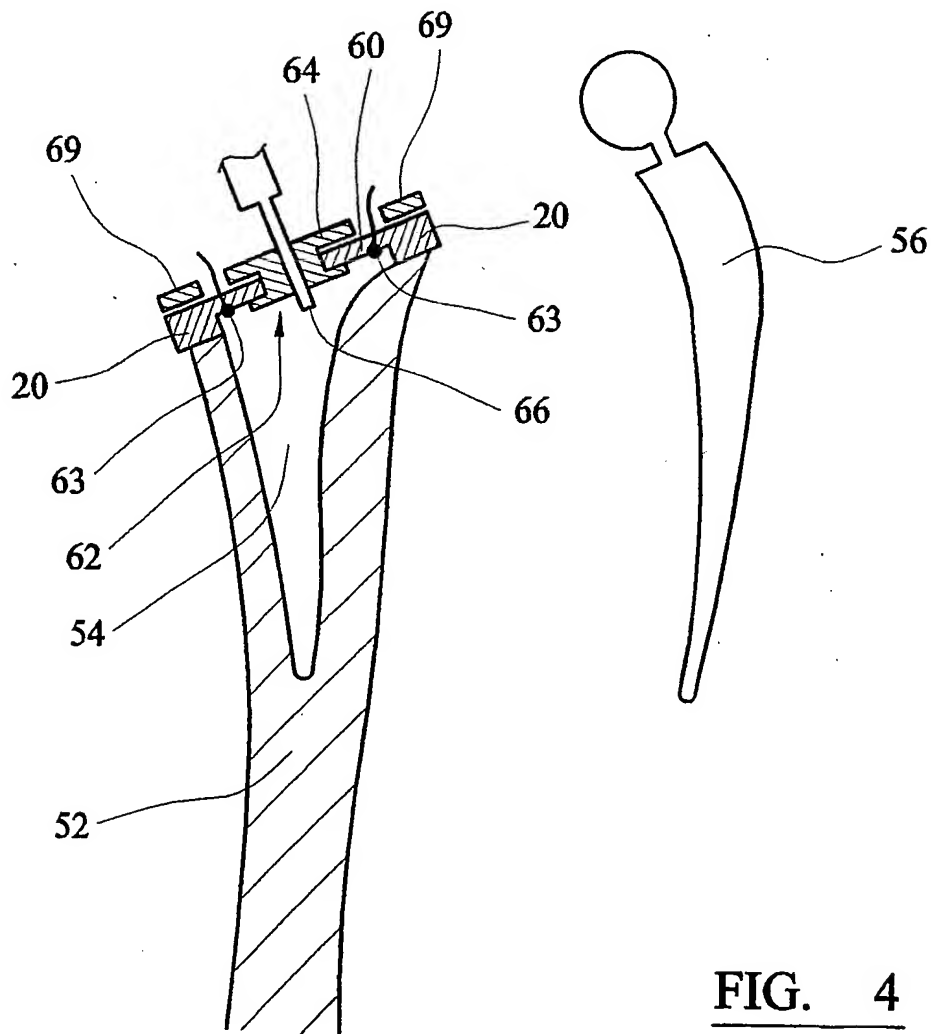


FIG. 4